

VERMONT ENVIRONMENTAL BOARD
10 V.S.A. Chapter 151

RE: David Paul, Timber Creek
Construction, Inc., Deer
Dear Meadow Associates, Inc. by
Lawrin P. Crispe, Esq.
Crispe & Crispe
P.O. Box 556
Brattleboro, VT 05301-0556

Memorandum of
Decision and
Dismissal Order
Declaratory
Ruling Request
#211

On December 28, 1989, Chairman Stephen Reynes and the parties signed a Assurance of Discontinuance, which was filed on that day with the Attorney General's office and the Acting Environmental Law Judge, Superior Court, Washington County. In part, the parties agreed in the Assurance that an Act 250 permit application would be filed on or before January 31, 1990 for eighteen lots at the Deer Meadow subdivision. On December 28, the Honorable John Meaker signed the Assurance and entered it as an Order of the Court.

On January 11, 1990, the Board deliberated in Quechee, Vermont. The Board decided to dismiss this declaratory ruling request as moot because of Judge **Meaker's** order.

On January 24, 1990, Lyman and Birgit Cooper filed a motion to extend the time for filing an application to on or before April 1, 1990. The Board postponed dismissal of this matter in order to rule on the motion. The Board deliberated on February 21, 1990 in **Rutland**, Vermont, and decided to grant the motion (see attached order).

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ORDER

1. With respect to the Assurance of Discontinuance dated December 28, 1989, executed among the Environmental Board, Lyman and Birgit Cooper, David Paul, Timber Creek Construction, Inc., and Deer Meadow Associates, Inc., the deadline for filing an Act 250 permit application is extended from January 31, 1990 to April 2, 1990.

2. Declaratory Ruling Request #211 is dismissed as moot. This dismissal shall take effect on April 2, 1990 unless a request for extension of time is filed prior to that date by a signatory to the above Assurance.

Dated at Montpelier, Vermont this 12th day of March, 1990.

ENVIRONMENTAL BOARD



Stephen Reynes, Chairman
Ferdinand Bongartz
Arthur Gibb
Samuel Lloyd
W. Philip Wagner

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